

**CITY OF SEABROOK
ORDINANCE NO. 2016-09**

PARKING PROHIBITED ON STREETS AND PRIVATE PROPERTY

AN ORDINANCE AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE III, "STOPPING, STANDING, AND PARKING," DIVISION 1, "GENERALLY," BY REPEALING SECTION 90-65 AND REPLACING IT UNDER THE SAME SECTION NUMBER WITH A NEW TITLE, "PARKING BUSES, TRUCK TRACTORS, TRAILERS, OR OTHER VEHICLES WITH TWO OR MORE AXLES EXCEEDING 26,000 LBS GROSS WEIGHT RATING (GVWR) ON STREETS"; REPEALING SECTION 90-66 AND REPLACING IT UNDER THE SAME SECTION NUMBER WITH A NEW TITLE, "PARKING BUSES, TRUCK TRACTORS, TRAILERS, OR OTHER VEHICLES WITH TWO OR MORE AXLES EXCEEDING 26,000 LBS GROSS WEIGHT RATING (GVWR) ON PRIVATE PROPERTY"; RENUMBERING SUBSEQUENT SECTIONS ACCORDINGLY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$200, OR THE MAXIMUM AMOUNT PERMITTED BY LAW FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seabrook has attempted to be continually aware of the problems and issues relating to hazards, nuisances and other circumstances which negatively impact the health, safety and well-being of its residents, citizens and inhabitants; and

WHEREAS, the City Council of the City of Seabrook has investigated, reviewed and considered complaints and associated concerns regarding parking which creates a hazard to the health, safety and welfare of the citizens of the City and that requires the need of further regulation; and

WHEREAS, City Council has determined it necessary to prohibit the obstruction, blockage, potential damage, and related parking issues in the interest of public safety; and

WHEREAS, in the interest of public safety City Council has determined it necessary to regulate the parking, standing, stopping, or leaving of certain vehicles to preserve the property values and aesthetics of the City, prevent damage to property, underground utility facilities and to mitigate or lessen the environmental effect of contamination caused by the leakage of fuels, petroleum products or other harmful chemicals from such vehicles as provided for by law, specifically including Texas Transportation Code Section 545.307 and related provisions; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with law; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK,
STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENT TO THE CODE

That Chapter 90 entitled, "Traffic and Vehicles," Article III, "Stopping, Standing, and Parking," Division 1, "Generally" be amended by repealing section 90-65 and replacing it under the same section number with a new title, "Parking Buses, Truck Tractors, Trailers, or other Vehicles with two or more axles exceeding [14,000] 26,000 lb. Gross Vehicle Weight Rating (GVWR) on streets," as follows:

~~"[Sec. 90-65. Parking vehicles of three or more axles, capacities of more than three fourths ton and buses prohibited on all streets within the city at certain times.~~

~~Parking is prohibited to the vehicles listed in this section, during the times stated and on either side of any and all streets within the city, with the sole exception stated in subsection (4) of this section.~~

- ~~(1) Vehicles prohibited by this section are all vehicles with three or more axles, and all vehicles having a capacity in excess of three fourths ton, and all buses.~~
- ~~(2) All streets within the city are covered by this section.~~
- ~~(3) Prohibited times for this section are any time from 10:00 p.m. to 6:00 a.m.~~
- ~~(4) For purposes of moving or delivering, the city police department may issue permits for parking contrary to this section, but such permit shall not exceed 48 hours duration.~~

~~(Code 1976, § 16-20.1; Code 1996, § 70-65; Ord. No. 99-22, § 1, 10-19-1999)]~~

Sec. 90-65. – Parking Buses, Truck Tractors, Trailers, or other Vehicles with two or more axles exceeding [14,000] 26,000 lb Gross Vehicle Weight Rating (GVWR) on streets

- (a) No person shall stop, park, or leave standing for any period exceeding one hour a Bus, Truck Tractor, Trailer, or other vehicle with two or more axles having a Gross Vehicle Weight Rating (GVWR) exceeding [14,000] 26,000 lbs, whether attended or unattended, on any public or private street within the city.

- (b) **“Bus”** means any motor vehicle designed or used to transport more than 15 passengers, including the driver. This includes taxicabs.
- (c) **“Truck tractor”** means a self-propelled motor vehicle designed and/or used primarily for drawing other vehicles.
- (d) **“Trailer”** includes:
- (1) **“Full trailer”** means any ~~[motor]~~ vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing motor vehicle. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer.
 - (2) **“Pole trailer”** means any ~~[motor]~~ vehicle which is designed to be drawn by another motor vehicle and attached to the towing motor vehicle by means of a “reach” or “pole,” or by being “boomed” or otherwise secured to the towing motor vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections.
 - (3) **“Semitrailer”** means any ~~[motor]~~ vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing motor vehicle.
- (e) **“Gross vehicle weight rating (GVWR)”** means the value specified by the manufacturer as the loaded weight of a single motor vehicle.
- (f) This section shall not apply to the driver who is making a temporary pickup or delivery or rendering some requested service at a location which abuts the public or private street on which the vehicle is stopped or parked.
- (g) In a prosecution for an offense under this section involving the stopping, standing, or parking of an unattended motor vehicle herein, it is presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred.”

SECTION 3. AMENDMENT TO THE CODE

That Chapter 90 entitled, "Traffic and Vehicles," Article III, "Stopping, Standing, and Parking," Division 1, "Generally" be amended by repealing section 90-66 and replacing it under the same section number with a new title, "Parking Buses, Truck Tractors, Trailers, or other Vehicles with two or more axles exceeding [~~14,000~~] **26,000** lb. Gross Vehicle Weight Rating (GVWR) on private property"; renumbering subsequent sections, beginning with section 90-67, all as follows:

"Sec. 90-66. – Parking Buses, Truck Tractors, Trailers, or other Vehicles with two or more axles exceeding [~~14,000~~] 26,000 lb. Gross Vehicle Weight Rating (GVWR) on private property.

- (a) Herein, the terms "**Bus**", "**Truck tractor**", "**Trailer**", and "**Gross vehicle weight rating (GVWR)**" shall have the meaning assigned in Section 90-65.
- (b) No person shall stop, park, or leave standing for any period exceeding one hour a Bus, Truck Tractor, Trailer, or other vehicle with two or more axles having a Gross Vehicle Weight Rating (GVWR) exceeding [~~14,000~~] **26,000** lb., whether attended or unattended, on any private property within the city.
- (c) This section shall not apply to the driver which is making a temporary pickup or delivery or rendering some requested service at a location.
- (d) **This section shall not apply to towed vehicles, including trailers, mobile homes, boat trailers, boats riggings, carts and vehicles, including motor homes, recreational vehicles or campers, where not in conflict with other provisions of this Code, such other provisions which shall control in case of conflict.**
- (e) This section shall not apply to any vehicle being stored legally on a commercial developed parcel of private property and is a direct accessory to the operations of that business not otherwise prohibited by city ordinance.
- (f) The term "accessory" means a vehicle which is incidental, and subordinate to the operations of the principal use located on the parcel of private property.
- (g) In a prosecution for an offense under this section involving the stopping, standing, or parking of an unattended [~~motor~~] vehicle herein, it is presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred."

Sec. 90-67[6]. - Idling commercial motor vehicles and/or trailers or semitrailers prohibited.

- (a) The following words, terms and phrases, when used in this text, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Commercial vehicle” means a motor vehicle, other than a motorcycle, designed or used for the transportation of property or delivery purposes.

“Motor vehicle” means a vehicle that is self-propelled.

“Semitrailer” means a vehicle without motive power that is designed or used with a motor vehicle, so that some of its weight and the weight of its load rests on or is carried by the motor vehicle.

“Trailer” means a vehicle without motive power that is designed or used to carry property or passengers or for temporary or indefinite storage on its own structure exclusively and drawn by a motor vehicle.

“Truck tractor” means a motor vehicle designed or used primarily for drawing another vehicle; that is not constructed to carry a load other than a part of the weight of the vehicle and load being drawn; any truck with 18 wheels or more, which is propelled by an internal-combustion engine using diesel fuel.

- (b) It shall be unlawful for the operating mechanism of any commercial vehicle and/or trailer, as defined herein, to be left running or idling while upon any municipal public or private parking lot held open to the public, or upon any public or private street, avenue, boulevard, or alley within the city, or to be lined up or queued for loading or unloading or inspections, for a period of time of more than 30 minutes. Emergency vehicles are exempt from this provision.

- (c) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount of not less than \$50.00 nor more than the maximum amount permitted by law, together with the costs of prosecution. Each violation shall constitute a separate offense.

(Code 1996, § 70-66; Ord. No. 2004-18, § 1, 12-7-2004)

Sec. 90-68[7]. - Vehicles without valid registration and inspection stickers prohibited on public rights-of-way and public property.

Any motor vehicle parked on a public right-of-way or public property without a valid and current state registration sticker and state inspection sticker shall be considered a nuisance and/or abandoned vehicle requiring removal and impounding by the city in accordance with law. Valid and current in this case means any required state inspection sticker and any state registration sticker with due dates not lagging more than 31 days of the current calendar date.

(Ord. No. 2007-10, § 2, 6-19-2007)

Sec. 90-69[8]. - Vehicles for sale prohibited on public rights-of-way and public property.

Motor vehicles being advertised for sale shall not be parked on any public right-of-way or other public property.

(Ord. No. 2007-10, § 2, 6-19-2007)

Sec. 90-70[69]. - Designation of prohibited parking—Boat launching; obstruction and designated parking for vehicles with boat trailers.

- (a) Vehicles shall not be parked in violation of posted restrictions and regulations, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or environmental feature.
- (b) It shall be unlawful for any person to park or stand a vehicle in a designated marked space posted with signage as "Vehicles with Attached Boat Trailers Only," without an attached trailer, in the city parking lot located on the north side of Clear Lake Creek underneath the overpass commonly known as the Seabrook/Kemah Bridge.
- (c) It shall be unlawful for any person to block or obstruct any public boat-loading ramp except while loading or unloading a watercraft.
- (d) Whenever any parking time limit is imposed, or parking is prohibited on designated streets or public property by this article or any ordinance of the city, as required by law, it shall be the duty of the chief of police to erect appropriate signs giving notice thereof. No such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense as required by law.

(Ord. No. 2010-28, § 2, 10-5-2010; Ord. No. 2013-11, § 2, 7-2-2013)

Sec. 90-71[0]. - Parking prohibited; streets, alleys and driveways.

- (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

(1) In a front yard, which for purposes herein refers to, means and includes an improved single-family or duplex lot, which:

a. For the purposes of an interior lot, includes:

1. The area bounded by the front and side property lines of the lot and an imaginary line coinciding with and parallel to the front building wall of the residential structure extending to the side property lines; and
2. The area extending the entire width of the lot between the front property line of the lot and the curb line or five feet from the edge of the adjacent street if without curbs; or

b. For the purposes of a corner lot, includes:

1. The area described in subsection (a) of this definition; and
2. The area of the lot bounded by the front property line, the side property line, which is adjacent to the street, the back property line and an imaginary line coinciding with and parallel to the side building wall nearest the street of the residential structure extending to the front and rear property lines; and
3. The area extending the entire depth of the lot between the side property line of the lot nearest the curb and the curb line or five feet from the edge of the adjacent street if without curbs. A corner lot shall be treated as having two front yards.

c. It is an exception to the prohibition in subsection (a)(1) of this section if all wheels of the vehicle, parked in the front yard are on an "improved surface".

Improved surface means a parking area, including a "driveway," extending from the curb, street, or alley in a contiguous course, and constructed of concrete, brick, pavers, asphalt, or other equivalent materials approved by the chief building official prior to installation and serves as an all-weather surface acceptable to the chief building official.

Driveway means the permitted area of a lot constructed, improved, maintained and used for the primary purpose of vehicular access to a single-family or duplex residence from a public street or the permitted parking of vehicles at such residence in compliance with this Code.

- (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within 15 feet of a fire hydrant;
 - (5) On a crosswalk; or
 - (6) Alongside or opposite any street excavation or obstruction, when stopping, standing or parking would obstruct traffic.
- (b) No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.
- (c) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.
- (d) It shall not be a defense to prosecution under this section that signs have not been posted, notice having been provided by publication.
- (e) The elements of the various offenses and definitions relating thereto that are set forth in the Texas Transportation Code, and any other state statutes, articles or codes relating to the parking, standing or stopping of vehicles, including amendments thereto, are adopted as a part of this chapter by reference. Violations of any of the aforesaid provisions that are adopted by reference shall also constitute city ordinance violations as provided by this Code.
- (Ord. No. 2013-01, § 2, 2-19-2013)

SECTION 4. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

This Ordinance is hereby incorporated into and made a part of the Seabrook City Code. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Two Hundred Dollars (\$200.00) per offense, or the maximum amount allowed by law. Each day of violation shall constitute a separate offense.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 6. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 7. NOTICE.


The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 5th day of April, 2016

PASSED AND APPROVED on second and final reading this 19th day of April, 2016.

BY: 
Glenn Royal
Mayor

ATTEST:

By: 
Robin Hicks, TRMC
City Secretary



APPROVED AS TO FORM:


Steven L. Weathered
City Attorney